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Attorneys for Plaintiff  
 CHUBB CUSTOM INSURANCE COMPANY

**UNITED STATES DISTRICT COURT FOR  
 THE SOUTHERN DISTRICT OF CALIFORNIA**

CHUBB CUSTOM INSURANCE	)	CASE NO. 08-CV1074 BTM (CAB)
COMPANY, a Delaware corporation	)	
	)	<b>RESPONSE TO ORDER TO SHOW</b>
Plaintiff,	)	<b>CAUSE</b>
	)	
vs.	)	
	)	
THE ALLEN EARLEY 1998 FAMILY	)	
TRUST, a California trust; ALLEN EARLEY	)	
PLANTERS PROJECT, LP, a California	)	
Limited Partnership, and DOES 1 through 10,	)	
inclusive,	)	
Defendants.	)	
	)	
	)	

Plaintiff CHUBB CUSTOM INSURANCE COMPANY (“Chubb Custom”) submits the following response to this Court’s July 9, 2008, Order to Show Cause:

**Citizenship of the Parties:**

Plaintiff Chubb Custom is a corporation incorporated under the laws of the state of Delaware, with its principal place of business in New Jersey. It is, therefore, a citizen of New

1 Jersey and of Delaware. Chubb Custom is the sole plaintiff. (See, Paragraph 1 of the  
2 Complaint.)

3 Defendant the Allen Earley 1998 Family Trust, is a trust established under California  
4 law. The trust, and its sole trustee Perry Allen Earley, are domiciled in California, and are  
5 residents of California. This defendant is a citizen of California. (See, Paragraph 2 of the  
6 Complaint.)

7 Defendant Allen Earley Planters Project, L.P., is a limited partnership established under  
8 the laws of the State of California, with its principal place of business in Imperial County,  
9 California. (See, Paragraph 3 of the Complaint.) It is a California resident and is a citizen of  
10 California. According to the records of the State of California, its address is 725 South Coast  
11 Highway 101, Encinitas, California 92024. According to public records, its sole general  
12 partner is the Allen Earley 1998 Family Trust. Its agent for service of process is James  
13 Schmid, whose current business address is 5993 Avenida Encinas, Suite 101, Carlsbad,  
14 California 92008.

15 There is, therefore, complete diversity of citizenship between the parties pursuant to 28  
16 U.S.C. 1332(a)(1).

17 **Amount in Controversy**

18 The amount in controversy is the full amount of the insurance policy attached as Exhibit  
19 A to the Complaint – i.e. \$3,000,000 for property damage and an additional \$100,000 for rental  
20 value. (See, Exhibit A to the Complaint.)

21  
22 Dated: July 14, 2008

SELTZER CAPLAN McMAHON VITEK  
A Law Corporation

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24  
25 By: /S/Elizabeth Smith-Chavez  
26 Gerald L. McMahon, Esq.  
27 Elizabeth Smith-Chavez, Esq.  
28 Attorneys for Plaintiff CHUBB CUSTOM  
INSURANCE COMPANY

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6 Attorneys for Plaintiff  
7 CHUBB CUSTOM INSURANCE COMPANY

8 **UNITED STATES DISTRICT COURT FOR**  
9 **THE SOUTHERN DISTRICT OF CALIFORNIA**

10  
11 CHUBB CUSTOM INSURANCE ) CASE NO. 08-CV1074 BTM (CAB)  
12 COMPANY, a Delaware corporation )

13 Plaintiff,

) **AFFIDAVIT OF SERVICE**  
)  
)

14 vs.  
15 )


16 THE ALLEN EARLEY 1998 FAMILY )  
17 TRUST, a California trust; ALLEN EARLEY )  
18 PLANTERS PROJECT, LP, a California )  
Limited Partnership, and DOES 1 through 10, )  
19 inclusive, )

20 Defendants. )  
)  
)

21  
22 I, the undersigned declare under penalty of perjury of the laws of the United States that I  
23 am over the age of eighteen years and not a party to this action, that on July 15, 2008, I served  
24 the following documents: **RESPONSE TO ORDER TO SHOW CAUSE**  
25 on the below named person(s) by electronically filing and serving the above-documents in pdf  
26 format with the Electronic Case Management System, for each addressee named below,:  
27  
28

1 Peter C. Ward, Esq.  
2 Ralph W. Peters, Esq.  
3 Ward & Hagen LLP  
4 440 Stevens Avenue, Suite 350  
5 Solana Beach, California 92075  
6 Telephone: 858-847-0505  
7 Facsimile: 858-847-0105

8 Executed on July 15, 2008, at San Diego, California.

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10 Sandie Crenshaw  
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